

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

FRED R. FRIGO,)	CASE NO. 1:05 CV 571
)	
Plaintiff,)	JUDGE JOHN M. MANOS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
RICHLAND COUNTY, OHIO, et al.,)	
)	
Defendants.)	

On February 14, 2005, plaintiff pro se Fred Frigo, an inmate at the Federal Correctional Institution at Milan, filed this civil rights action against the Richland County, Ohio and Richland County Court of Common Pleas Clerk Phillip Scott. The complaint alleges that the Richland County Clerk of Court did not timely file a complaint mailed by plaintiff. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915A.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune

from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

Even liberally construed, the complaint at most sets forth a claim of negligence against defendants. Thus, it does not contain allegations reasonably suggesting plaintiff might have a valid federal claim. See, Lillard v. Shelby County Bd. of Educ., 76 F.3d 716 (6th Cir. 1996)(court not required to accept summary allegations or unwarranted legal conclusions in determining whether complaint states a claim for relief).

Accordingly, this action is dismissed under section 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Issued: April 15, 2005

s/John M. Manos
UNITED STATES DISTRICT JUDGE